

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RAMON NAVARRO LUPERCIO,
Petitioner,
V.
MACARIO MENDOZA,
Respondent.

Case No. 21-03126 NC (PR)

ORDER OF TRANSFER

Petitioner, a state prisoner at San Quentin State Prison, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Petitioner challenges his state conviction from the Superior Court of Tulare County. Venue for a habeas action is proper in either the district of confinement or the district of conviction. *See* 28 U.S.C. § 2241(d). However, petitions challenging a conviction or sentence are preferably heard in the district of conviction. *See* Habeas L.R. 2254-3(b)(1); *Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Here, because petitioner challenges a conviction from Tulare County, the Eastern District of California is the district of conviction.

Case No. 21-03126-NC (PR)
ORDER OF TRANSFER

1 Accordingly, this case is **TRANSFERRED** to the United States District Court for the
2 Eastern District of California. *See* 28 U.S.C. § 1406(a). The Clerk shall terminate all pending
3 motions and transfer the entire file to the Eastern District of California.

4 **IT IS SO ORDERED.**

5 DATED: June 14, 2021



NATHANAEL M. COUSINS
United States Magistrate Judge